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CASE NO. 82-921

IN THE SUPREME COURT OF

THE UNITED STATES

OCTOBER TERM, 1982

GREGORY SHELDON EWING,

KENT PATRICK EWING, PETITIONERS

vs.

UNITED STATES OF AMERICA

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

SUPPLEMENTAL APPENDIX A

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APPENDIX A (AMENDED)

UNITED STATES DISTRICT COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff/Appellee,	)	Nos. 82-1105
	)	82-1106
v.	)	82-1107
	)	
GREGORY SHELDON EWING,	)	DC No.
KENT PATRICK EWING and	)	CR 81-1025-1
JOHN EDWARD JACKSON,	)	81-1025-2
	)	81-1025-3 TJH
Defendants/Appellants.	)	MEMORANDUM

Appeal from the United States District Court for the Central District of California, Terry J. Hatter, Jr., District Judge, Presiding

Argued and Submitted September 8, 1982

Before: HUG, FERGUSON and CANBY, Circuit Judges

The convictions of the defendants for narcotics-related offenses are affirmed. The issues on appeal are disposed of as follows:

1. The determination of the district court that consent to search the apartment was voluntary and given by one who possessed authority over the premises is not clearly

erroneous. United States v. Cawley, 630 F.2d 1345 (9th Cir. 1980); United States v. Dubrofsky, 581 F.2d 208 (9th Cir. 1978).

2. The determination of the district court that the statements of the defendants were voluntary is not clearly erroneous. United States v. Parker, 549 F.2d 1217 (9th Cir.), cert. denied, 430 U.S. 971 (1977).

3. The affidavit in support of the search warrant for the knapsack was sufficient, as Gregory Ewing's confession was lawfully obtained.

4. The defendants were not entitled to the identity of the informant. United States v. Marshall, 526 F.2d 1349 (9th Cir.), cert. denied, 426 U.S. 923 (1975).

5. Defendants have offered no authority for their contention that the government must have probable cause to initiate a criminal investigation, and we reject the proposition. We note, however, that the

reason the government began its investigation of the Ewings was that Special Agent Scotti had information that the Ewings had been involved in narcotics transactions.

6. This panel's inspection of the documents which were lodged with the district court for its in camera inspection reveals beyond doubt that the documents do not contain any statements mady by Mr. Jackson that fall within Rule 16 of the Federal Rules of Criminal Procedure.

The judgments of conviction are AFFIRMED.

PROOF OF SERVICE

I, CHARLES E. WEBER, counsel of record for KENT PATRICK EWING, and a member of the Bar of the Supreme Court of the United States, and I, COBY N. KELLER, counsel of record for GREGORY SHELDON EWING, and a member of the Bar of the Supreme Court of the United States, hereby certify that on the 10th day of December 1982, we served three copies of the APPENDIX A (AMENDED) on each of the several parties thereto, as follows:

1. On the United States, by mailing three copies in a duly addressed envelope, with first-class postage prepaid to The Solicitor General, Department of Justice, Washington, D.C. 20530.

2. On the United States Attorney, by mailing three copies in a duly addressed envelope, with first-class postage prepaid

to the United States Attorney, Carolyn Turchin, Assistant United States Attorney, 12th Floor, U.S. Courthouse, Los Angeles, California 90012.

3. On counsel for Defendant-Appellant, JOHN EDWARD JACKSON, by mailing three copies in a duly addressed evelope with first-class postage prepaid to his respective counsel of record, as follows: Richard G. Sherman, Esq., A Professional Corporation, 6420 Wilshire Boulevard, Sixth Floor, Los Angeles, California 90048.

4. On the U.S. District Court, by mailing three copies in a duly adressed envelope with first-class postage prepaid to the U.S. District Court, United States Courthouse, 312 N. Spring Street, Los Angeles, California 90012.

5. On the United States Court of Appeals, Ninth Circuit, by mailing three copies in a duly addressed envelope with

first-class postage prepaid to the United States Court of Appeals, Ninth Circuit, 7th & Mission Street, San Francisco, California 94101.

It is further certified that all parties required to be served have been served, and the list of such parties is as set forth above.

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